

09/868239

#3

FORM PTO-1390 US DEPARTMENT OF COMMERCE  
REV. 5-93 PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEYS DOCKET NUMBER  
**P01,0184**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

**09/868,239**

INTERNATIONAL APPLICATION NO.  
**PCT/DE99/03955**

INTERNATIONAL FILING DATE  
**10 DECEMBER 1999**

PRIORITY DATE CLAIMED  
**16 DECEMBER 1998**

TITLE OF INVENTION

**METHOD AND ARRANGEMENT FOR PREDICTING MEASUREMENT DATA  
USING GIVEN MEASUREMENT DATA**

APPLICANT(S) FOR DO/EO/US

**THOMAS ACKERMANN ET AL.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay.
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98; (PTO 1449, Prior Art, Search Report, References).
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.  
(SEE ATTACHED ENVELOPE)
13. ☐ Amendment "A" Prior to Action and Appendix "A".  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification and mark-up for substitute specification.
15. ☐ A change of address letter attached to the Declaration.
16. ☒ Other items or information:
  - a. ☒ EXPRESS MAIL #EJ 552525957 US dated August 7, 2001.

08/10/2001 SNAJARRO 00000076 09868239

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130.00 0P

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)  
**09/868,239**

INTERNATIONAL APPLICATION NO.  
**PCT/DE99/03955**

ATTORNEY'S DOCKET NUMBER  
**P01,0184**

17. ☐ The following fees are submitted:

**BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):**

Search Report has been prepared by the EPO or JPO \$860.00

International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) \$690.00

No international preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but international search fee paid to USPTO (37 C.F.R. 1.445(a)(2)) \$710.00

Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO \$1000.00

International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

CALCULATIONS

PTO USE ONLY

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).

\$ 130.00

Claims

Number Filed

Number  
Extra

Rate

Total Claims

09

- 20 =

0

X \$ 18.00

\$

Independent Claims

04

- 3 =

1

X \$ 80.00

\$

Multiple Dependent Claims

\$270.00 +

\$

**TOTAL OF ABOVE CALCULATIONS =**

\$ 130.00

Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 C.F.R. 1.9, 1.27, 1.28)

\$

**SUBTOTAL =**

\$ 130.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +

\$

**TOTAL NATIONAL FEE =**

\$

Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property +

**TOTAL FEES ENCLOSED =**

\$ 130.00

Amount to be  
refunded

\$

charged

\$

a. ☒ A check in the amount of \$ 130.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1519. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

**SEND ALL CORRESPONDENCE TO:**

**SCHIFF HARDIN & WAITE  
PATENT DEPARTMENT  
6600 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6473**

**CUSTOMER NUMBER 26574**

  
SIGNATURE

Mark Bergner  
NAME

45,877

Registration Number



U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/868239	ACKERMANN	T P01,0184
SCHIFF HARDIN & WAITE 6600 SEARS TOWER 233 S WACKER DR CHICAGO, IL 60606 6473		INTERNATIONAL APPLICATION NO. PCT/DE99/03955
		I.A. FILING DATE 10 DEC 99
		PRIORITY DATE 16 DEC 98

DATE MAILED: 31 JUL 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- |  |  |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input type="checkbox"/> Indication of Small Entity Status.                                    |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventors(s).   | <input type="checkbox"/> Translation of Article 19 amendments into English.                    |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input type="checkbox"/> Other:  |
| <input checked="" type="checkbox"/> Priority Document.   |  |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. |  |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.        |  |
2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- |   |   |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☐ PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

Winston M. Alvarado  
Telephone: 703-305-6421



U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/868239	ACKERMANN	T P01,0184
INTERNATIONAL APPLICATION NO.		
PCT/DE99/03955		
I.A. FILING DATE	PRIORITY DATE	
10 DEC 99	16 DEC 98	

SCHIFF HARDIN & WAITE  
6600 SEARS TOWER  
233 S WACKER DR  
CHICAGO, IL 60606 6473

DATE MAILED: 31 JUL 2001

**NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION**

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

- ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- ☐ does not identify the application to which it is directed.
- ☐ does not identify the inventor(s).
- ☐ does not identify the citizenship of each inventor.
- ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

**FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.**

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

- ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
- ☐ does not state that the person making the oath or declaration:
  - ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
- ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

Winston M. Alvarado  
Telephone: 703-305-6421

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

Express Mail Mailing Label Number **EJ 552525957 US**

**Date of Deposit:** August 7, 2001

I hereby certify that this correspondence is being deposited with the United States Postal "Express Mail Post Office to Addressee" service under 37 CFR 1.10(c) on the date indicated above and is addressed to:

**BOX PCT  
Assistant Commissioner for Patents  
Washington DC 20231**

Case Number: **P01,0184**  
Applicant(s): **Thomas Ackermann et al**

International Application No. **PCT/DE99/03955**  
International Filing Date **10 December 1999**  
Priority Date Claimed **16 December 1998**

Serial No: **09/868,239**  
Filed: **June 15, 2001**

Title: **Method and Arrangement for Predicting Measurement  
Data Using Given Measurement Data**

Enclosed are the following documents:

**MISSING PARTS:**

Executed Declaration;

Copy of Notification of Missing Requirements under 35 U.S.C. §371;

PTO 1390 in duplicate;

Fee: \$130.00

Postcard.

**(See attached envelope for Executed Assignment;  
PTO 1595; \$40.00 filing fee; Postcard)**

  
\_\_\_\_\_  
Signature of person mailing documents and fees